

REMARKS

Claims 1-26 are pending. Claims 1-26 are rejected. Claims 1, 13, and 20 have been amended. No new matter has been added.

Amendments

Claims 1, 13, and 20 have been amended. Support for these amendments can be found in the application as filed, e.g., p. 21, ln. 4-16.

35 U.S.C. 112 ¶ 1 Rejections

Claims 1-26 are rejected under 35 U.S.C. 112 ¶ 1, as failing to comply with the enablement requirement. Specifically, the rejection claims that the specification does not support "granular subset of tasks associated with electronic commerce transactions." Claims 1, 13, and 20 have been amended, and no longer recite this limitation. Applicants respectfully assert that this rejection is moot, and request that it be withdrawn.

35 U.S.C. 103(a) Rejections

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being obvious over Deverill, U.S. Publication 2003/0014464, in view of Rakoshitz, U.S. Patent No. 6,578,077.

The Examiner is respectfully directed to independent Claim 1, which, as amended, recites that an embodiment of the present invention is directed to:

A method for monitoring electronic commerce transactions, said method comprising the computer-implemented steps of:
determining network transport latency;

determining application test latency, wherein said application test is selected to represent a portion of said electronic commerce transactions; and
indicating said network transport latency and said application test latency on a display.

Claims 13 and 20 recite similar limitations. Claims 2-12 are dependent upon Claim 1, and recite additional features of the claimed invention. Claims 14-19 are dependent upon Claim 13, and recite additional features of the claimed invention. Claims 21-26 are dependent upon Claim 20, and recite additional features of the claimed invention.

The rejection suggests that Deverill discloses determining application test latency. Applicants respectfully assert that Deverill fails to disclose determining application test latency, wherein said application test latency is selected to represent a portion of said electronic commerce transactions, as claimed. Specifically, the cited portions of Deverill, i.e. ¶ 12, discuss measuring the processing time for a transaction to pass through a system. Deverill does not discuss determining the latency of an application *test*, as claimed.

Applicants understand Deverill to describe a system for measuring the precise latency of information flowing through computer systems (¶ 11); the system described by Deverill tracks transactional information, "drawn only from the business or other transactional data associated with the transaction." Nowhere does Deverill teach or suggest determining *application test latency*, as claimed. The processes Deverill provides tracking data for do not *represent* a portion of an electronic commerce

transaction, as claimed; rather, Deverill tracks the latency of *actual* commerce transactions.

Rakoshitz fails to remedy this defect with Deverill, as Rakoshitz also does not disclose determining application test latency, wherein said application test latency is selected to represent a portion of said electronic commerce transactions, as claimed. Accordingly, Deverill, alone or in combination with Rakoshitz, fails to anticipate or render obvious the embodiments of the present invention recited in Claims 1, 13, and 20.

Moreover, Applicants respectfully assert that even if the combination of Deverill and Rakoshitz describe the embodiments of the present invention recited in Claims 1, 13, and 20, one having ordinary skill in the art would not be motivated to combine these references. Applicants respectfully submit that the rejection is using impermissible hindsight, by utilizing the language of the claim as a blueprint to collect references and then devise a motivation for combining them, where no suggestion or motivation exists in the references cited. Applicants therefore request that the Deverill and Rakoshitz references be withdrawn, or that a citation to the purported motivation to combine be provided.

The rejection suggests that one having skill in the art would be motivated to combine Deverill and Rakoshitz in order to provide a system to measure the latency of an application and to measure the delay of transmitting a packet. Deverill discusses measuring latency of information flowing through a computer system (¶ 11). Rakoshitz

discusses measuring the delay of transmitting a packet (col. 5, ln. 3-15). Neither of these citations suggest the desirability of combining the references; both are self-referencing, in that Deverill continues to describe a system for measuring latency within a computer system, and Rakoshitz an approach for measuring the delay of transmitting a packet.

Therefore, the Applicants respectfully submit that the claimed embodiments of the invention as set forth in Claims 1, 13, and 20 are in condition for allowance. Accordingly, the Applicants also respectfully submit that Claims 2-12, dependent on Claim 1, Claims 14-19, dependent on Claim 13, and Claims 21-26, dependent on Claim 20, overcome the basis for rejection under 35 U.S.C. 103(a), as they are dependent on allowable base claims.

Conclusion

In light of the above-listed amendments and remarks, Applicants respectfully request allowance of the remaining Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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